

IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF GEORGIA

In re:	*	CHAPTER 13
	*	
LESLIE McDANIEL,	*	CASE NO. 12-41231-JTL
	*	
Debtor,	*	JUDGE LANEY

LESLIE McDANIEL, Individually and as	*	
Representative of her Bankruptcy Estate,	*	
	*	
Plaintiff,	*	ADVERSARY PROCEEDING
	*	
vs.	*	NO. 13-04013
	*	
SUNTRUST BANK, SUNTRUST	*	
MORTGAGE, INC., McCALLA	*	
RAYMER, LLC, FOXFIRE ACRES, INC.,	*	
THE UNITED STATES by and through the	*	
THE INTERNAL REVENUE SERVICE,	*	
THE STATE OF GEORGIA (Represented	*	
by the DEPARTMENT OF REVENUE), THE	*	
GROGAN GROUP, LLC d/b/a GROGAN &	*	
GROGAN, and THE COLUMBUS	*	
CONSOLIDATED GOVERNMENT,	*	
	*	
Defendants.	*	

MOTION FOR LEAVE TO AMEND

COMES NOW, Leslie McDaniel, herein Plaintiff, and makes this Motion for Leave to Amend by which she moves the Court for authority to amend her Complaint to that set forth on Exhibit "A".

The amendment, with the changes indicated, is for the following reasons.

- a) there were several typographical or scrivener's errors to be corrected that are not matters of substance;

- b) at least two citations to authorities which are corrected;
- c) an additional theory of recovery, under Count Seven, for wrongful foreclosure, against McCalla Raymer, LLC (“McCalla”) was included in other language;
- d) copious clarification was provided to set forth what part of the Complaint is pled in the alternative to accommodate allegations made by various other Defendants in other pleadings;
- e) an additional claim, Count Ten, was added for surcharge for attorney’s fees under 11 U.S.C. §506(c), applicable only the sales proceeds, **without any reduction in what is to be paid to Columbus Consolidated Government (“Columbus”), or any claim for recovery against McCalla.**

This Motion is filed simultaneously with the Plaintiff’s Response to Motion to Dismiss or Alternative Motion for More Definite Statement, filed in response to motion filed by McCalla.

A supporting Memoranda is attached.

Respectfully submitted.

/s/ Fife M. Whiteside

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